IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 6,505,391 B1
Patent Date: 2003 Jan 14
Applicant: Philippe Berna

Patent Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A

DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2006, March 12, Sun

AFFIDAVIT

Outstanding decision of Senior Legal Advisor Kery A. Fries mailed December 20, 2005 on petition of July 11, 2003

Hon. Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

I hereby declare that I ever and only filed continuous applications under former rule 62 in the spirit of making requests for continued examination of my patent application.

I declare further that above statement is true and is made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of my patent.

Very respectfully submitted,

Heige BERNA

Philippe Berna, Petitioner Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

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Molières-sur-Cèze, France, 2006, March 12, Sun

SUBMISSION SO THAT A LATER DATE COULD BE SET, FOR REASON OF FORCE MAJEURE, AS THE BEGINNING OF THE PERIOD FOR RESPONSE TO THE DECISION ON THE PETITION FILED ON JULY 11, 2003.

Outstanding decision of Senior Legal Advisor Kery A. Fries mailed December 20, 2005 on petition of July 11, 2003

Hon. Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

The copy of the decision on the petition filed on July 11, 2003 that was sent to petitioner was given Dec 20, 2005 as mail date. However, on Saturday, Jan 7, 2006, i.e. 18 days later, this copy had not yet reached my office, perhaps because of the holidays ending 2005 year. On Jan 9, 2006, we left our home and office in the early morning for one month to be spent in the United States for business (3 main events: AMA Convention Show in Ontario, CA – Jan 13 to 15, 2006 -, APMM bi-annual Conference for lectures in Orlando, FL – Jan 21 & 22, 2006 – and a Dollhouse and Miniatures Show in San Diego – Feb 4 & 5, 2006 -). AMA is for Academy of Model Aeronautics and APMM is for Association of Professional Model Makers. Should this copy have reached my office by January 8, 2006 (it could have been facsimile transmitted as it was used to be recommended on the PTO Home page), I would have taken it with me for preparing the response using my laptop and all past documents saved on CDs and DVDs during my stay in the USA.

In addition, the next day after our return (on Feb 9, 2006), perhaps groggy by the jet lag (9 hours) and the duration of the flights, I walked rearwards one step too many on my office floor (for replacing a printer) and I fell in the staircase. I was very lucky. I could kill myself. I just got a traumatism with an eyebrow arch broken, some bruises and the most annoying, my right fist immobilized in resin for 4 weeks, because its ligaments detached themselves from a bone. My fingers were fortunately free out the resin. But I was still handicapped, if only to write by hand, because of the thickness of the resin wrapping. I could hardly sign (see the request I filed on last February 25). I was forced to take a rest after this shock.

As a result, I could open the envelope containing the decision copy only on the day before yesterday, Feb 23, 2006. I left a message in the voice mailbox of Nancy Johnson same day.

You will find below a copy of the passenger receipts for the flights to and back from the United States followed by the reproduction of the certificate (in English) of my showing up to the emergency room of the Bonnefon clinic.

I had to wait till February 25, 2006, a Saturday, for getting the emergency room certificate, because the MD who wrapped my fist into resin only works on weekends.

I needed just thirteen days from the day I got Petitions Attorney Nancy Johnson on phone (on February 27, 2006) to file a response to outstanding decision by fax. In view of the duration of the petition examination (almost 2 years and a half), thirteen days ought to be considered as short.

So I beg you to have set January 13, 2006 as new initial date for the period for response to the outstanding decision because of force majeure.

Very respectfully submitted,

Meigle PERNA

Philippe Berna, Petitioner Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

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Dr. SANT CHI CALL PARTS

CLINIQUE BONNEFON

MAISON DE SANTE PROTESTANTE D'ALES

Docteur Marc BORGHERO 30 1 00647 4

Docteur Anne-Lise PERRIER-SAUTEL 30 1 03418 7 0 1 25 1

Docteur Anne DAMIGNY-DI CASTRI 30 1 03 30 23 0 1 25 1

Alès, le 25.02.06

Justify history that The examinal for Philippe bena on february 11 /2006 at the emogency room, Chinic Bonnefor / Ales. It presented with a sworth right first And Ladographic showed that ligaments were detached from the os proforme (fist bony lorch). (dishie 4 weeks).

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45. avenue Carnot - BP 189 - 30104 ALES Cedex - Tel 0320, 197, 339 - Fax 04.66.56.34.10

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of eleven pages including this one is being facsimile transmitted to the Patent and Trademark Office (Petition Office) on the date shown below.

Philippe Berna

Signature

Milite POERNA

03/12/2006

Date